IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 36 OF 2006
IN
WRIT PETITION NO. 6765 OF 2002

Deepthimahanthi Ganesh Anantha Alwara Rao ... Applicant

Versus

Union of India and Ors. ... Respondents

Mr. A.S. Rao for Applicant.

Sri. N.V. Masurkar with Mrs. L.P. Patne for Respondents.

CORAM: F.I. REBELLO &
MRS ROSHAN DALVI,J.
DATED: SEPTEMBER 01, 2006

P.C.:

. This Review Petition is directed against the order dated 21st April, 2004 whereby we had dismissed the Petition filed by the Petitioner and upheld the order of C.A.T. The point which we have noted was that the Petitioner at the relevant time when appointed to the post of Vehicle Electrician did not have the qualification for the post. The learned counsel for the Review applicant has now drawn out attention to the rules of December, 1991 under which for the post of Electrician (skilled) the qualification required was one year certificate from I.T.I. /NCTVT or equivalent in the trade of Electrician Auto from a Government recognised institute. The learned counsel points out that he was appointed in the year August, 1991 and that

being the position, the rules in force in August, 1991 would be attracted. Our attention is invited to those rules for the post of Vehicle Mechanic which do not require any such qualifications. It may be mentioned that the post at the relevant point of time was known as Vehicle Electrician and at present is known as Auto Electrician. It is therefore, submitted that on this ground alone the review petition is liable tobe allowed and petition be restored.

. We find that there is merit in the contention of the counsel for the Petitioner. However, we may point out that though the learned counsel has drawn our attention to various vacancies which exists for the post of Electrician (Skilled), there is nothing before us to indicate that whether these posts at the time when petitioner was appointed, were available or were filled in. Considering the above, in our opinion, the ends of justice will be met if the review petition is allowed and the Petition is restored to file. Order accordingly.

(MRS.ROSHAN DALVI,J.) **(F.I.REBELLO, J.)**